

APPENDIX O

DEFINITION OF FINDINGS

A Formal complaint is a serious misconduct on the part of a member of the San José Police Department (SJPD). The complaint alleged a serious violation of the City policy, the Department policy or the law by an officer. A Formal complaint may be citizen-initiated (CI) or department-initiated (DI), which is a complaint initiated by the Chief of Police. The findings¹ available for a Formal complaint are:

1. **Sustained:** The investigation disclosed sufficient evidence to clearly prove the allegation made in the complaint.
2. **Not Sustained:** The investigation failed to disclose sufficient evidence to clearly prove the allegation made in the complaint or to conclusively disprove the allegation.
3. **Exonerated:** The acts which provided the basis for the complaint or allegation occurred; however, the investigation revealed that they were justified, lawful and proper.
4. **Unfounded:** The investigation conclusively proved that the act or acts complained of did not occur. This finding also applies when the individual member(s) or employee(s) named were not involved in the act or acts which may have occurred.
5. **No Finding:** The complainant failed to disclose promised information to further the investigation. The investigation revealed that another agency was involved and the complaint or complainant has been referred to that agency. The complainant wishes to withdraw the complaint. The complainant is no longer available for clarification(s). Additional reasons may include: lack of signature on the Boland Admonishment; officer resigned from the SJPD before the investigation was closed; or the identity of the officer could not be determined.

¹ See San José Police Department Duty Manual Section C 1513.20.